

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO. 15991/1998

BETWEEN:-

M/s. Indian Coffee Workers
Co-operative Society Ltd.,
No. 528, Avenue Road,
Bangalore - 560 002,
by its General Manager.

..PETITIONER

(By Smt. Suguna R. Reddy, Advocate)

AND:-

1. Government of India
Represented by
Secretary/Commissioner
Department of Labour
New Delhi.
2. Employees State Insurance
Corporation, Panchadeep
Bhavan, Kotla Road,
New Delhi,
represented by its
Director General.

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3. Employees State Insurance Corporation, Regional Office (Karnataka), No.10, Binny Fields, Binnypet, Bangalore - 560 023, represented by its Deputy Director.
4. The Recovery Officer, E.S.I. Corporation in Karnataka, Region No.10, Binny Fields, Bangalore - 560 023.
5. Government of Karnataka represented by its Secretary/ Commissioner, Labour Department, M.S. Building, Bangalore-1.

..RESPONDENTS

(By Sri M.Papanna, for R2 to R4, Advocate, and R-1 is served)

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This Writ Petition filed u/a 226 & 227 of the Constitution of India praying to Direct the R1 to dispose of the application of the petitioner society seeking exemption from the operation of the provisions of the petitioner society as per letter dt.27-4-98, the Annex-A1 issued by the Minister of Labour, Govt., of India, after providing an opportunity of hearing to the petitioner society and its federation, All India Coffee Workers Co-op, Societies Federation Ltd., and etc.

This Writ Petition coming on for preliminary hearing this day, the Court made the following:-

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O R D E R

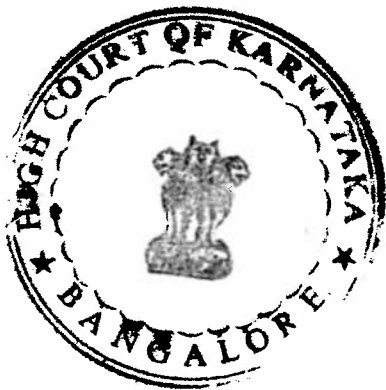
The petitioner claims to have made an application for exemption under Section 87 of the E.S.I. Act. The contention of the petitioner is that such an application made under Section 87 exists in view of reference to be made in Annexure-C3 which is the letter written by him to the authorities concerned referring to the said application. Unfortunately that application is not before this Court. When the matter came up on 4.6.1998, it was adjourned to this date to enable its production. The petitioner has not taken the advantage of this time granted and produced the application. It is not possible for this Court to adjourn the matter to persuade the petitioner to produce the document.

2. The relief sought for by the petitioner is for quashing of the order passed under Section 45-A of the E.S.I. Act. The petitioner may pursue his remedy under Section 75 of the

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ESI Act. I do not find any grounds to entertain
the Writ Petition.

Dismissed.



Sd/-
JUDGE

ksp/

hba/-